

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 1909 - HB 2247**

February 19, 2016

**SUMMARY OF BILL:** Authorizes state and local government entities to publish legal notices on their publicly available websites in lieu of using other publication methods. Requires any electronically published notice to have the same legal effect as a legal notice published in a newspaper, and further requires any electronically published notice to be published in the same manner and in the same time period as would be the case in a newspaper. Requires governmental entities to make known where electronically published legal notices are published by placing directory information on the website.

**ESTIMATED FISCAL IMPACT:**

**Decrease State Expenditures –**

**Exceeds \$25,000/FY16-17 and Every Two Years Thereafter**

**Exceeds \$10,000/FY17-18 and Every Two Years Thereafter**

**Decrease Local Expenditures – Exceeds \$10,000/Recurring/Permissive**

**Assumptions:**

- The Department of State is required to publish resolutions regarding constitutional amendments during election years. Total expenditures in 2008 were \$24,149.40; in 2010 were \$10,048.79; and in 2012 were \$27,399.31. The most recent average cost for a statewide publication is approximately \$9,100. There have not been expenditures for these publications in subsequent years. It is reasonably assumed that publishing online in lieu of publishing in a newspaper will result in an average decrease in state expenditures exceeding \$15,000 beginning in FY16-17 and every second year thereafter.
- The Department of Environment and Conservation (TDEC) is required publish various notices, some of which are required to be published in a newspaper; however, many of the publishing requirements for TDEC must follow federal guidelines. It is reasonably estimated that the recurring decrease in state expenditures for TDEC will be not significant.
- Multiple agencies report a not significant decrease in state expenditures. Recent expenditure data for other state agencies regarding publishing notices was not provided. It is assumed that various state agencies will be able to decrease expenditures when

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required to publish notices. The recurring decrease in expenditures for all state agencies is reasonably estimated to exceed \$10,000.

- The total recurring decrease in state expenditures will exceed \$25,000 beginning in FY16-17 and every second year thereafter; the recurring decrease in state expenditures will exceed \$10,000 beginning in FY17-18 and every second year thereafter.
- Local government entities are currently required to publish various notices in newspapers, including election information. Authorizing website notices to meet such requirements will result in a recurring decrease in local expenditures for May, August, and November elections in addition to special elections. Multiple other publishing requirements for local governments will now be posted on the local government website. The cost of publishing a local government notice is dependent on the length of such notice and the municipality or county that such notice is required. The permissive and recurring decrease in local expenditures is reasonably estimated to exceed \$10,000.
- State agencies and local governments already have the ability to post notices online; any additional postings will not result in a significant fiscal impact.

### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/jaw